

EAST PASSYUNK CROSSING CIVIC ASSOCIATION

Zoning and Planning Committee Mission Statement and Protocols

Amended October 16, 2023

I. Mission Statement

The Zoning and Planning Committee of the East Passyunk Crossing Civic Association (herein “Committee”), through participation in the planning and zoning processes for commercial and residential properties in our boundaries, seeks to improve the quality of life for all East Passyunk Crossing (“EPX”) residents and to protect and improve property values.

II. Purpose

The Committee will review all applications for variance, certificate, civic design review, land use, etc. on real estate properties that fall within the boundaries of East Passyunk Crossing Civic Association (“EPX Civic”).

III. Protocol

All procedures adopted by the Committee must be presented to and approved by the Board of Directors of EPX Civic (“Board”). Updates or changes to the protocols must first be formulated by the Zoning Chair, and then voted on by the Board. In accordance with the bylaws, the Board reserves the right to reject any aspect of the operation of the Committee.

IV. Committee Membership

Members of the Committee are nominated by the Zoning and Planning Committee Chairperson (“Zoning Chair”), Board President, or Board Co-Chair, and must be approved by the Board. No committee member can be nominated until the person has attended at least two zoning and planning meetings within 12 months, except in the necessity of an emergency appointment. Any committee member can be removed from the Committee by a majority vote of the board without cause.

V. Ethics of Committee Members

1. Only those members designated by the Committee are authorized to speak or write on behalf of the organization.
2. No member shall use their position with the Committee to forge business or professional

relations for personal gain, or benefit for a family member or any business entity in which the member has a direct or indirect interest.

3. No member shall act as an agent for any political philosophy or entity during EPX business.
4. Each member has an obligation to help EPX be viewed in the best possible light. Public comment, whether to a group or an individual, must be supportive of EPX's initiatives, activities, and personnel.
5. No member shall attempt to use the processes of the Committee to affect a change of leadership, create dissension amongst its members or generally disrupt the function of the Committee. The Committee serves at the request of the Board, who is responsible for any changes in structure or leadership.
6. A violation of the ethics policy will be subject to review by the Board and possible grounds for removal from the Committee.
7. Conflicts of interest may occur. A member with a conflict of interest must inform the Zoning Chair of the conflict and refrain from participation in decisions affecting the outcome of the particular case. In addition to actual conflicts of interest, members are also obliged to avoid actions that could be perceived or interpreted in conflict with the EPX Civic Mission.
8. Members may accept personal gifts of token value (less than \$10.00). Gratuities directed at Committee members are to be submitted to the Board as donations to the EPX Civic.

VII. Procedures

Boundaries: The Committee will focus its efforts within the formal geographic boundaries expressed in the Board by-laws.

Registered Community Organization: The Committee will be responsible for maintaining its status as a sanctioned Local Registered Community Organization (as defined in §14-303(12) of the city code), including annual registration with the Planning Commission and obeying all regulations and protocols established by the city for RCOs. Whenever these zoning protocols contradict the procedures required for an RCO, the procedures for an RCO, and not these protocols, must be followed.

Scheduling of EPX Zoning and Planning Committee Meetings

1. The Committee will hold monthly meetings, if necessary, to discuss any and all applications for variance, use certificates, uses requiring acts of council (e.g., cafe sidewalk seating), civic design review, or other land use decisions that require community oversight. Zoning applicants can contact the EPX Zoning and Planning Committee at zoning@epcrossing.org to request a hearing.

2. Meetings will be held on the second Monday of every month, except in the case of a conflict with a holiday. Meetings can be held remotely or in-person at the discretion of the Zoning Chair. Re-scheduling of the routine meeting time must be done no later than the previous month's zoning meeting. Meetings may be cancelled only in the case of emergency or a lack of applicants.

3. Before an applicant can present at a monthly meeting, the Committee will ask all applicants to deliver copies of the same documents that must be presented at the City of Philadelphia Zoning Board of Adjustments hearing, namely:

- a. Zoning Refusal, listing calendar number and type of proposed variances
- b. Application for Variance (Appeal)
- c. Date of scheduled ZBA hearing
- d. Plans/Blueprints showing all proposed constructions and uses
- e. Site plan showing relationship of application site to neighboring properties and structures
- f. Photos of the site (relevant facings)
- g. Copy of the Notice of Hearing mailed to the required neighbors
- h. Proof of mailing of the Notice of Hearing to the required neighbors

These items should be delivered to the Committee at least ten (10) days in advance of the scheduled Zoning meeting AND prior to the monthly EPX Civic General Membership meeting. Similar items will be required for hearings on uses that are variance related.

4. Pursuant of section 14-303(12)(d) of the city code, within 45 days of the filing of an appeal, the Committee is required to both meet with any applicant **and** provide the Zoning Board of Adjustments with a letter. The Committee cannot refuse or delay a zoning applicant's attendance at a zoning meeting if the applicant has fulfilled his or her notification requirements as specified in §14-303(12) at least 7 days prior to the meeting date. However, if both the applicant and the Committee agree, the Committee and/or EPX Civic can request a continuance from the Zoning Board of Adjustment.

Meeting Notice

1. The Committee will advertise online through social media the date, time and location of the next Zoning meeting and state the addresses of **all applications**. In addition, the same meeting information will be sent to all members of the EPX e-mail list. Finally, the Zoning Chair, or proxy, will announce the upcoming applications at the EPX Civic General Membership meeting that immediately precedes the scheduled Zoning Committee meeting.

2. In addition, all applicants must circulate the official ZBA Notice of Hearing to the necessary neighbors as required by the City and described above, and meet any other notification requirements mandated by the city, including those dictated by 14-303(12) of the city code.

3. Individual residents, including those with a specific viewpoint on a case, are not to be discouraged from asking their neighbors to attend; however, the Committee will not solicit attendance based on a viewpoint.

Meeting Procedures

1. The Zoning Chair will open the meeting by explaining what the purpose of the Committee is and that the results of the meeting are not the final outcome. The City of Philadelphia Zoning Board of Adjustments makes the final decision with respect to zoning variances and neighbors are encouraged to attend their meetings.

2. The order in which applications will be heard at the meeting will be decided by the Zoning Chair.

3. The Zoning Chair will read aloud each application address and the refusal, stating the variances sought, if applicable. All applicants should identify themselves and give a brief description of their proposals. The owner of the property, or designated agent, must attend the meeting if a final decision is to be reached. The owner or agent is encouraged to bring an architect and/or attorney, where applicable.

4. The Committee will ask questions of the applicant first. Once their questions have been answered, questions and comments from the floor will be encouraged and moderated by the Zoning Chair. Efforts will be made to solicit opinions from the neighbors closest to the application, but all are encouraged to participate. Committee members may offer their own opinions of the requested variance, in order to enable neighbors to understand the zoning issues involved.

5. The Committee members may comment on applications directly concerning them; in those cases, their opinions will weigh no more or less heavily than any other neighbor's. Should there be a conflict of interest for Board or Committee members, they will be allowed to present their case, but they will not be allowed to vote on the Committee's recommendation to the ZBA. Additionally, they will have to identify themselves to those present as members of the Board and/or Committee.

6. If the Committee deems it necessary, it will propose modifications to the application, either necessitating a change in the appeal to the ZBA or a separate agreement between EPX Civic and the applicant.

7. After the Chair draws discussion of an application to a close, the Chair will take a straw poll of neighbor's support or opposition to the application (modified, if necessary), making clear that the straw poll is not the final decision of the Committee, and that the Committee will weigh the straw poll, the opinions of near neighbors, and the Committee's own expertise before voting. The Zoning Chair will note that all decisions of the Committee must be sanctioned by the Board.

Meeting Outcome

1. Immediately following the meeting, the Committee will discuss and vote on each applicant. If no consensus can be reached, the Committee may request (but may not require) the applicant to re-present at the next meeting.
2. If a proviso or amended application has been agreed upon, the Zoning Chair will follow up with the applicant to enter into the proviso or ensure that the application is amended.
3. After the Committee's decisions have been recorded, the Committee will email the Board detailing all of the Committee's decision. If any Board member disagrees with the Committee's decision, he or she may request an emergency board meeting to vote on the Committee's decision. Such a meeting must be held within five days of the request. Failing such a request, the Committee's decisions will be considered Board-certified five business days after the email has been sent.
4. After the Committee's decision has been certified or modified by the Board, the Committee will write to the Zoning Board of Adjustments, the 1st District Councilperson, or any other relevant party explaining the Committee's decision to support or oppose the application.
5. Members of the Board and/or Committee may appear at any ZBA hearing to reinforce the Board's position on applications. In addition, all neighbors are advised that they have the right to appear at the ZBA hearing to speak for or against any application, whether or not a consensus agreement is reached at the Zoning meeting.
6. At all times, the goal of the Committee's meetings will be to inform both neighbors and applicants of the zoning issues involved, their rights, and the potential consequences of reaching agreement or not doing so.

VIII. Other Important Considerations

1. All issues related to Committee concerns or business but not addressed by these protocols default to the Board's protocols and/or bylaws.
2. The former subcommittees for vacant properties and violation task force are presently unnecessary and/or obsolete. At the time of this amendment, the Committee no longer has any active responsibilities or duties related to vacant property within the EPX boundaries or violations of the building, zoning, or streets codes of the City of Philadelphia. Accordingly, previously protocol subsections related to those duties and responsibilities have been removed.